

Relevant Definitions:

“Full-Time Professional Experience” includes experience in which the applicant is required to apply scientific or engineering principles to contaminated site remediation where the resulting conclusions form the basis for reports, studies or other documents connected with the remediation of a contaminated site. The Board may consider the applicant's work activities, field of practice, duration of employment, and work products prepared in determining the credit to be allowed for professional experience. The Board may allow applicants with relevant advanced degrees up to two years of credit for professional experience, of which one year of credit may be awarded for applicants who have earned a master's degree in a relevant field of study and up to two years of credit may be awarded for applicants who have earned a doctorate degree in a relevant field of study.

“Relevant Professional Experience” is work of a professional grade and character that indicates the applicant is competent to issue a response action outcome. It is that portion of “Full-Time Professional Experience” that consists of time spent designing, implementing and /or managing site remediation. Typical activities that may count towards “relevant professional experience” time include time spent assessing the media of sites, time spent evaluating and selecting methods for the containment and removal of contaminants, time spent evaluating and selecting appropriate remediation methods, and time spent implementing remedial actions.

7:26I-2.1 Purpose

(a) A licensing program for site remediation professionals is herein established to ensure that:

1. Individuals seeking licensure as site remediation professionals meet the standards and requirements for training, education, and experience set forth in N.J.S.A. 58:10C-1 et seq. and any rule or regulation adopted or issued pursuant thereto; and
2. Individuals seeking licensure as site remediation professionals are examined to ensure that they possess sufficient knowledge of the State statutes, rules, guidance, standards and requirements applicable to site remediation and are qualified to obtain a license.

(b) No person shall be, act as, advertise as, or hold himself out to be, or represent himself as being, an LSRP unless that person has been issued a valid license pursuant to N.J.S.A. 58:10C-1 et seq. and the license is current and not expired, suspended, revoked or inactivated by the Board.

7:26I-2.2 Scope

(a) This subchapter contains provisions that govern the:

1. Eligibility requirements for a license in N.J.A.C. 7:26I-2.3;

2. Factors that make an individual ineligible for a license in N.J.A.C. 7:26I-2.3;
3. License application with full credential review and limited credential review in N.J.A.C. 7:26I-2.4 and 2.5;
4. License application contents in N.J.A.C. 7:26I-2.6;
5. Process for review and approval or denial of license applications in N.J.A.C. 7:26I-2.7 through 2.9;
6. Process for examination of approved applicants in N.J.A.C. 7:26I-2.10 and 2.11;
7. Issuance of Licenses in N.J.A.C. 7:26I-2.12;
8. Renewal of Licenses in N.J.A.C. 7:26I-2.13;
9. Expiration of Licenses in N.J.A.C. 7:26I-2.14;
10. Suspension of Licenses in N.J.A.C. 7:26I-2.15;
11. Revocation of Licenses in N.J.A.C. 7:26I-2.16; and
12. Inactivation of Licenses in N.J.A.C. 7:26I-2.17.

7:26I-2.3 Eligibility Requirements

(a) An applicant for a site remediation professional license shall demonstrate to the Board that the applicant:

1. Holds a bachelor's degree or higher in natural, chemical or physical science or an engineering degree in a discipline related to site remediation, from an accredited institution of higher education;
2. Has at least eight years of full-time professional experience, as defined in N.J.A.C. 7:26I-1.3, in the field of site remediation, of which at least five years shall have occurred in New Jersey and at least three years shall have occurred in New Jersey immediately prior to submission of the application;
3. Has a minimum of 5,000 hours of relevant professional experience, as defined in N.J.A.C. 7:26I-1.3, within the State over the five years immediately prior to submission of the application that is of a professional grade and character that indicates the applicant is competent to issue a response action outcome;
4. Has attended and completed the minimum environmental health and safety education and training provided pursuant to 29 C.F.R. Section 1910.120 no more than one year prior to

submission of an application for a license;

5. Has attended and completed a course approved by the Department and the Board on the State's rules and regulations concerning the technical requirements for site remediation no more than three years prior to submission of the application;

6. Has not been convicted of, or plead guilty to, an environmental crime, any similar or related criminal offense under federal or state law, or any crime involving fraud, theft by deception, forgery or any similar or related offense under federal or state law; and

7. Has not had a professional license revoked by any state licensing board or any other professional licensing agency within the previous 10 years.

7:26I-2.4 Application with Full Credential Review

(a) An individual seeking to be licensed as a site remediation professional shall file with the Board an LSRP Licensure Application Form with Full Credential Review together with the non-refundable Application Fee as set forth in N.J.A.C. 7:26I-3.

7:26I-2.5 Application with Limited Credential Review

(a) An individual who is seeking to be licensed as a site remediation professional, who has submitted an application with full credential review within the past 12 months that was approved by the Board but is required to resubmit an application in order to re-register for the LSRP examination, shall file with the Board an LSRP Licensure Application Form with Limited Credential Review together with the non-refundable Application Fee as set forth in N.J.A.C. 7:26I-3.

7:26I-2.6 Application Contents

(a) The application shall be in writing on a current form prescribed by the Board, documenting education, training and experience as set forth in N.J.A.C. 7:26I-2.3.

(b) Each application with full credential review shall be accompanied by three letters of reference, in the manner described on the application form, to ensure that the applicant meets the standards and requirements established for training, experience and professional conduct by LSRPs as set forth in N.J.A.C. 7:26I-2.3. The letters of reference shall be from the following persons:

1. At least one letter of reference shall be from an LSRP; and
2. At least one letter of reference shall be from a current or past employer of the applicant from any state.
3. All individuals providing references must attest that the applicant's experience, ability and professional judgment is adequate to allow the applicant to independently and

competently design, implement and manage site remediation and issue response action outcomes.

(c) Each application with full credential review shall be accompanied by original transcripts or other documentation issued by the educational institution(s) from which the applicant earned the degree needed to demonstrate the minimum education requirement for licensure. The Board will retain the original documentation.

(d) The following deficiencies shall constitute the basis for return of the application to the applicant:

1. Applications with missing responses;
2. Applications that are not signed;
3. Applications that are not completed according to the instructions; and
4. Applications that are not accompanied by the Application Fee.

7:26I-2.7 Application Review

(a) The Board shall review the application, letters of reference and transcripts submitted by the applicant for substantiation of education, training and experience as set forth in N.J.A.C. 7:26I-2.3.

(b) At any time during its review of an application the Board may require an applicant to appear for a personal interview to discuss the contents of the application.

(c) At any time during its review of an application the Board may require an applicant to submit additional information related to the applicant's education, training, experience, professional conduct or any other matters deemed relevant by the Board.

(d) At any time during its review of an application the Board may request information about an applicant from the Department, current and former employers or supervisors, educational institutions, or any other third party that may have information relevant to the Board's review of the application.

(e) An applicant may petition the Board for a variance from the eligibility requirements if he believes that extenuating circumstances apply to his application. The Board's Licensure Committee shall consider the petition and recommend to the Board whether a variance should be granted.

7:26I-2.8 Application Approval

(a) The Board shall approve a complete application within 60 days of receipt of all requisite content if the applicant meets the standards and requirements established for education, training,

experience and professional conduct as set forth in N.J.A.C. 7:26I-2.3.

(b) The Board shall notify the individual whose application is approved that he is a candidate for the LSRP examination. Such notification shall provide the candidate with the information needed to register for the next scheduled LSRP examination.

7:26I-2.9 Application Denial

(a) The Board shall deny an application if the applicant fails to meet any of the standards and requirements established for education, training, experience and professional conduct as set forth in N.J.A.C. 7:26I-2.3.

(b) Each application denial shall specify the time period that must pass before the applicant may reapply for a license. Such time period shall not exceed three years, except:

1. If the individual whose application is denied is found by the Board to have violated N.J.S.A.10C-7d(6) (criminal conviction), that individual's application denial will be held by the Board to be permanent, and therefore, he may not reapply; and

2. If the individual whose application is denied is found by the Board to have violated N.J.S.A.10C-7d(7) (revocation of other professional licenses), he may not reapply until 10 years have elapsed from the time of the revocation of another professional license.

(c) An applicant whose application has been denied by the Board may appeal the Board's decision pursuant to N.J.A.C. 7:26I-8. Notice shall be provided to an applicant upon the Board's decision to deny his license application. The notice shall be by certified mail or personal service, and shall:

1. State the Board's findings and reasons for denial of the application;
2. Affirm the right of the individual to a hearing on any matter contained in the notice and the procedures for requesting a hearing; and
3. Enclose a copy of the Board Administrative Hearing Request Checklist.

7:26I-2.10 Examination

(a) Candidates registering for the LSRP examination will be provided with instructions and rules and regulations governing the examination. Each candidate that takes the LSRP examination shall be required to certify that he has read the instructions and rules and regulations and has not violated any rule or regulation governing the examination.

(b) The violation by a candidate of any rule or regulation governing the examination shall constitute grounds for commencement of disciplinary action pursuant to N.J.A.C. 7:26I-7.1 et seq. Disciplinary action taken by the Board may include disqualification from future examinations for a specified period of time or permanently.

7:26I-2.11 Completion of the Examination

(a) The Board shall communicate the results of the examination to each candidate. Examination papers shall not be returned to the candidate.

(b) The Board shall publish the name of successful candidates on the Board Website.

(c) A candidate for the LSRP examination who does not pass the examination may submit an application to take the examination again pursuant to N.J.A.C. 7:26I-2.5. If more than one year has passed since the submittal of an application with full credential review, the candidate must submit an application to take the examination again pursuant to N.J.A.C. 7:26I-2.4.

7:26I-2.12 Issuance of Licenses

(a) The Board shall issue a non-transferable license to each candidate who successfully completes the examination.

(b) Upon the issuance of the license, the LSRP's name and contact information shall be added to the list of LSRPs maintained on the Board Website.

(c) An Annual License Fee as set forth in N.J.A.C. 7:26I-3 shall be due and payable by the LSRP within 30 days of the effective date of the license.

(d) A license shall be effective on the date specified on the license, and shall expire at the end of the day on the expiration date specified on the license.

7:26I-2.13 Renewal of Licenses

(a) In order to continue to be, act as, advertise as, or hold himself out to be, or represent himself as being an LSRP, an LSRP must renew his license prior to the expiration date of the license.

(b) To apply to renew a license, an LSRP shall:

1. Submit an application for license renewal at least 90 days and no more than 120 days prior to expiration of the license using an application form provided by the Board on the Board Website;

2. Include with such application form the full amount of the non-refundable License Renewal Fee as set forth in N.J.A.C. 7:26I-3;

3. Demonstrate pursuant to 29 CFR 1910.120, that he has attended and completed an 8-hour health and safety refresher course no more than one year prior to submission of an application for a license renewal;

4. Demonstrate that he has fulfilled the continuing education requirements set forth N.J.A.C. 7:26I-4;

5. Certify that he has not been convicted of, or plead guilty to, an environmental crime, any similar or related criminal offense under federal or state law, or any crime involving fraud, theft by deception, forgery or any similar or related offense under federal or state law; and

6. Certify that he has not had a professional license revoked by any state licensing board or any other professional licensing agency within the previous 10 years.

(c) The Board shall issue a renewed non-transferable license to each applicant whose application for renewal is approved by the Board. The renewed license shall have an effective date and expiration date.

(d) The Board shall deny an application for renewal if the applicant fails to meet any of the standards and requirements set forth in N.J.A.C. 7:26I-2.13(b).

(e) Each application denial shall specify the time period that must pass before the applicant may reapply for license renewal, such time period not to exceed three years, except:

1. If the individual whose application is denied is found by the Board to have violated N.J.S.A.10C-7d(6) (criminal conviction) that individual's application denial will be held by the Board to be permanent, and therefore, he may not reapply; and

2. If the individual whose application is denied is found by the Board to have violated N.J.S.A.10C-7d(7) (revocation of other professional licenses) he may not reapply until 10 years have elapsed from the time of the revocation of another professional license.

(f) An applicant whose application for license renewal has been denied by the Board may appeal the Board's decision pursuant to N.J.A.C. 7:26I-8. Notice shall be provided to an applicant upon the Board's decision to deny his application for license renewal. The notice shall be by certified mail or personal service, and shall:

1. State the Board's findings and reasons for denial of the application;

2. Affirm the right of the individual to a hearing on any matter contained in the notice and the procedures for requesting a hearing; and

3. Enclose a copy of the Board Administrative Hearing Request Checklist.

7:26I-2.14 Expiration of Licenses

(a) A license that is not renewed by the date of its expiration shall expire. An individual with an expired license shall not be, act as, advertise as, or hold himself out to be, or represent himself as being, an LSRP until the license has been renewed pursuant to N.J.A.C. 7:26I-2.13.

(b) An LSRP whose license has expired may apply for renewal of the license pursuant to N.J.A.C. 7:26I-2.13 within one calendar year of the expiration date of the license.

(c) An LSRP whose license has been expired for more than one year may not apply for renewal of the license pursuant to N.J.A.C. 7:26I-2.13 but must apply for a new license pursuant to N.J.A.C. 7:26I-2.4 and must successfully complete the LSRP examination pursuant to N.J.A.C. 7:26I-2.10.

7:26I-2.15 Suspension of Licenses

(a) Whenever, on the basis of available information, the Board finds that an LSRP has violated N.J.S.A. 58:10C-1 et seq. or any rule, regulation, code of conduct or order adopted or issued pursuant thereto, or has knowingly made any false statement, representation, or certification in any documents or information required to be submitted to the Board or the Department, the Board may suspend the license of the site remediation professional.

(b) Suspension is temporary removal of a license. An individual with a suspended license shall not be, act as, advertise as, or hold himself out to be, or represent himself as being, an LSRP until the end of the period of suspension.

(c) An individual may resume practicing as an LSRP immediately following the last day of the suspension period if his license expiration date has not yet been reached.

(d) An individual must apply to renew his license prior to resuming practice as an LSRP if the period of suspension ends after the expiration date of his license. The license may be renewed within one year of the license expiration date or the end of the license suspension period, whichever is later, according to the procedures in N.J.A.C. 7:26I-2.13.

(e) An individual that fails to renew his license within one year of the license expiration date or the end of the license suspension period, whichever is later, must apply for a new license pursuant to N.J.A.C. 7:26I-2.4 and must successfully complete the LSRP examination pursuant to N.J.A.C. 7:26I-2.10 prior to resuming practice as an LSRP.

(f) When issuing the suspension, the Board may impose conditions on the reinstatement of a license; including, but not limited to, a requirement for additional continuing education credits beyond the requirements of N.J.A.C. 7:26I-4.

(g) Any order issued by the Board suspending or revoking a license shall order the LSRP to maintain and preserve records regarding the LSRP's remediation activities at contaminated sites pursuant to N.J.A.C. 7:26I-6.25 for a time period to be specified in the order.

(h) Within 15 days of the suspension the LSRP shall notify the Department and the persons responsible for conducting remediation by whom he has been retained of the fact of the suspension of his license, the cessation of his activities as an LSRP and the termination of his status as an LSRP during the suspension period.

(i) The Board shall maintain a list of all site remediation professionals whose license has been suspended or revoked and shall publish the list on the Board's website.

(j) An LSRP whose license has been suspended has the right to notice and a hearing pursuant to N.J.A.C. 7:26I-8.4 and N.J.A.C. 7:26I-8.5.

7:26I-2.16 Revocation of Licenses

(a) Whenever, on the basis of available information, the Board finds that an LSRP has violated N.J.S.A. 58:10C-1 et seq. or any rule, regulation, code of conduct or order adopted or issued pursuant thereto, or has knowingly made any false statement, representation, or certification in any documents or information required to be submitted to the Board or the Department, the Board may revoke the license of the site remediation professional.

(b) Revocation is removal of a license. An individual with a revoked license shall not be, act as, advertise as, or hold himself out to be, or represent himself as being, an LSRP.

1. An individual whose license has been revoked one time may apply for a new license and must meet all requirements for licensure as set forth in N.J.A.C. 7:26I-2.3 through 2.4.

2. Upon the second revocation of a license, an LSRP shall be permanently prohibited from applying for a site remediation professional license in New Jersey.

(c) If the person whose license is revoked is found by the Board to have violated N.J.S.A. 10C-7d(6) (criminal conviction), that person's license revocation will be held by the Board to be permanent, and therefore, he may not re-apply and the license will not be reinstated.

(d) If the person whose license is revoked is found by the Board to have violated N.J.S.A. 10C-7d(7) (revocation of other professional licenses), his site remediation professional license may not be reinstated until 10 years have elapsed from the time of the revocation of another professional license. In that event, he may re-apply for a license 10 years from the date of the prior revocation.

(e) Upon a determination of the Board that the conduct of the LSRP is so egregious as to pose an imminent threat to public health, safety or the environment if the LSRP is allowed to conduct remediation of sites or areas of concern pending a hearing on a revocation of the license, the Board may suspend the license prior to the outcome of the hearing.

(f) Any order issued by the Board suspending or revoking a license shall order the LSRP to maintain and preserve records regarding the LSRP's remediation activities at contaminated sites pursuant to N.J.A.C. 7:26I-6.25 for a time period to be specified in the order.

(g) Within 15 days of the revocation the LSRP shall notify the Department and the persons

responsible for conducting remediation by whom he has been retained of the fact of the revocation of his license, the cessation of his activities as an LSRP and the termination of his status as an LSRP.

(h) The Board shall maintain a list of all LSRPs whose license has been suspended or revoked and shall publish the list on the Board's website.

(i) An LSRP whose license has been revoked has the right to notice and a hearing pursuant to N.J.A.C. 7:26I-8.4 and N.J.A.C. 7:26I-8.5.

7:26I-2.17 Inactivation of Licenses

(a) An LSRP may discontinue providing professional services as an LSRP and request inactivation of his license by notifying the Board utilizing the form provided on the Board Website.

(b) Valid grounds for requesting inactive status shall include, but not be limited to:

1. Unemployment or financial hardship;
2. Pursuit of full-time degree;
3. Extended medical or family leave of absence;
4. Active duty in the armed forces; or
5. Retirement.

(c) The Board shall:

1. Acknowledge receipt of the request;
2. Certify the inactivation; and
3. Remove the LSRP's name from the Board's official list of active LSRPs and place his name on the list of inactive LSRPs.

(d) Upon the inactivation of his license by the Board, the LSRP shall:

1. Within 15 days notify the Department and the persons responsible for conducting remediation by whom he has been retained of the fact of the inactivation of his license and the cessation of his activities as an LSRP;

2. Provide for his obligations regarding the maintenance and preservation of records of his remediation activities at contaminated sites pursuant to N.J.A.C. 7:26I-6.25; and

3. Cease to be, act as, advertise as, or hold himself out to be, or represent himself as being, an LSRP.

(e) An LSRP whose license has been inactivated shall not be required to pay the annual license fee pursuant to N.J.A.C. 7:26I-2.10(b). However, upon reactivation, the LSRP shall pay a prorated fee for the remainder of the year in which the reactivation occurs.

(f) An LSRP may reactivate his license prior to its expiration date by utilizing the form provided on the Board Website.

(g) An LSRP may reactivate his license after its expiration date by following the procedures for license renewal in N.J.A.C. 7:26I-2.13.

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